MC 1251/2007
BEFORE
THE HON'BLE MR. JUSTICE D. BISWAS, CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE B.P. KATAKEY

Heard Mr. D.K. Misra, the learned Sr. counsel for the appellant as well as Mr. Mahanta, the learned State counsel and Mr. S. Saikia, the learned counsel for the respondent/board.

This Misc. Case has been filed praying for amendment of the writ petition in W.P.(C) No.5776/06. It may be mentioned here that the aforesaid writ petition has been filed challenging various provisions brought in by the Assam Agricultural Produce Market (Amendment) Act 2000. Mr. Misra submits that during the continuance of the proceedings in the aforesaid writ petition, there is an amendment, namely Assam Agricultural Produce and Market (Amendment) Act, 2006, which necessiated the filing of the present application praying for amendment of the writ petition, challenging validity of the said amendment of 2006.

Mr. Saikia, the learned counsel for the Board, though, has objected the prayer for amendment and prayed for time to file objection, we are not inclined to accede to such prayer, as in our opinion, the amendment sought for is necessary, in view of the subsequent Amendment Act of 2006, amending the provision of the Principal Act, as well as to avoid multiplicity of proceeding. The Board will definitely have the opportunity to file further affidavit-in-opposition and argue that amendment is not ultra-vires to the constitution.

We, therefore, allow the prayer for amendment. The petitioner shall file the amended writ petition by incorporating the proposed amendment sought for in this application, within 2 (two) weeks.

Misc. case stands allowed.